

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Butler	Team: Squad #5	CCRB Case #: 201604933	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 06/05/2016 12:30 AM	Location of Incident: Navy Street and Park Avenue and inside the 88th Precinct stationhouse	Precinct: 88	18 Mo. SOL 12/5/2017	EO SOL 12/5/2017	
Date/Time CV Reported Wed, 06/08/2016 10:06 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 06/08/2016 10:06 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jonathan Martinez	10299	953059	088 PCT
2. POF Cameel Quallis	13823	949516	088 PCT
3. POM Clark Taylor	30193	931310	088 PCT
4. POM Javier Colon	21825	933702	088 PCT
5. SGT Frank Aliffi	234	939856	088 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Cherita Gray	26029	947761	088 PCT
2. Officers			088 PCT
3. POM Terence Culkin	11262	952627	088 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jonathan Martinez	Abuse: At Navy Street and Park Avenue in Brooklyn, Police Officer Jonathan Martinez stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.SGT Frank Aliffi	Abuse: At Navy Street and Park Avenue in Brooklyn, Sergeant Frank Aliffi stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
C.POF Cameel Quallis	Abuse: At Navy Street and Park Avenue in Brooklyn, Police Officer Cameel Quallis stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
D.SGT Frank Aliffi	Abuse: At Navy Street and Park Avenue in Brooklyn, Sergeant Frank Aliffi frisked § 87(2)(b)	
E.POM Jonathan Martinez	Abuse: At Navy Street and Park Avenue in Brooklyn, Police Officer Jonathan Martinez frisked § 87(2)(b)	
F.POM Jonathan Martinez	Abuse: At Navy Street and Park Avenue in Brooklyn, Police Officer Jonathan Martinez searched § 87(2)(b)	
G.SGT Frank Aliffi	Abuse: At Navy Street and Park Avenue in Brooklyn, Sergeant Frank Aliffi searched § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
H.SGT Frank Aliffi	Discourtesy: At Navy Street and Park Avenue in Brooklyn, Sergeant Frank Aliffi spoke discourteously to § 87(2)(b)	
I.SGT Frank Aliffi	Force: At Navy Street and Park Avenue in Brooklyn, Sergeant Frank Aliffi used physical force against § 87(2)(b)	
J.SGT Frank Aliffi	Abuse: At Navy Street and Park Avenue in Brooklyn, Sergeant Frank Aliffi frisked § 87(2)(b)	
K.SGT Frank Aliffi	Abuse: At Navy Street and Park Avenue in Brooklyn, Sergeant Frank Aliffi searched § 87(2)(b)	
L.POM Clark Taylor	Force: At Navy Street and Park Avenue in Brooklyn, Police Officer Clark Taylor used physical force against § 87(2)(b)	
M.POM Javier Colon	Force: At Navy Street and Park Avenue in Brooklyn, Police Officer Javier Colon used physical force against § 87(2)(b)	
N.POM Clark Taylor	Force: At Navy Street and Park Avenue in Brooklyn, Police Officer Clark Taylor used a chokehold against § 87(2)(b)	
O.SGT Frank Aliffi	Discourtesy: Inside the 88th Precinct stationhouse, Sergeant Frank Aliffi spoke discourteously to § 87(2)(b)	
P.SGT Frank Aliffi	Off. Language: Inside the 88th Precinct stationhouse, Sergeant Frank Aliffi made remarks to § 87(2)(b) based upon race.	
Q.POF Cameel Quallis	Discourtesy: Inside the 88th Precinct stationhouse, Police Officer Cameel Quallis spoke discourteously to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

### Case Summary

On June 8, 2016, § 87(2)(b) filed this complaint with the CCRB via phone.

On June 5, 2016, at approximately 12:30 a.m., at Navy Street and Park Avenue in Brooklyn, § 87(2)(b)'s friend, § 87(2)(b) drove § 87(2)(b)'s rental car with § 87(2)(b) seated in the back seat and § 87(2)(b)'s other friend, § 87(2)(b) seated in the front passenger's seat when PO Jonathan Martinez, Sgt. Frank Aliffi, and PO Cameel Quallis of the 88<sup>th</sup> Precinct stopped the civilians' vehicle (**Allegations A, B, and C**). The officers instructed the civilians to exit the vehicle, and § 87(2)(b) complied. PO Martinez and Sgt. Aliffi allegedly frisked and searched § 87(2)(b) (**Allegations D and E, F, and G**). § 87(2)(b) protested the officers' actions, and Sgt. Aliffi allegedly said, "Shut the fuck up" (**Allegation H**). Sgt. Aliffi allegedly opened the back passenger's door, grabbed § 87(2)(b)'s arm, and pulled him out of the vehicle (**Allegation I**). Sgt. Aliffi then allegedly frisked and searched § 87(2)(b) (**Allegations J and K**). § 87(2)(b) protested Sgt. Aliffi's actions, and Sgt. Aliffi allegedly said, "Shut the fuck up. You don't know what the fuck you're talking about" (**Subsumed within Allegation H**). The officers arrested § 87(2)(b) and § 87(2)(b) for § 87(2)(b). § 87(2)(b) was also charged with § 87(2)(b), and § 87(2)(b) was charged with § 87(2)(b). § 87(2)(b) was released without being arrested or issued a summons.

Additional officers, including PO Clark Taylor; PO Javier Colon; and PO Terence Culkin of the 88<sup>th</sup> Precinct, arrived on the scene after § 87(2)(b) and § 87(2)(b) were arrested, and PO Taylor and PO Colon attempted to place § 87(2)(b) into their police vehicle to be transported to the 88<sup>th</sup> Precinct stationhouse. § 87(2)(b) refused to enter the vehicle, and PO Taylor allegedly pushed § 87(2)(b) into the car while PO Colon pulled him into the car from the inside (**Allegations L and M**). PO Taylor also allegedly grabbed the front of § 87(2)(b)'s neck while pushing him into the car (**Allegation N**). § 87(2)(b)'s breathing was not restricted. PO Taylor and PO Colon transported § 87(2)(b) to the 88<sup>th</sup> Precinct stationhouse while other officers transported § 87(2)(b) to the stationhouse.

Inside the 88<sup>th</sup> Precinct stationhouse cell area, Sgt. Aliffi allegedly spoke with § 87(2)(b) in the presence of PO Quallis; PO Martinez; PO Chertia Gray of the 88<sup>th</sup> Precinct; and two unidentified uniformed police officers from the 88<sup>th</sup> Precinct. Sgt. Aliffi allegedly said, "Shut the fuck up. You're not built for these streets you little nigger" to § 87(2)(b) (**Allegations O and P**). PO Quallis also allegedly said, "Shut the fuck up. You're dumb as fuck" (**Allegation Q**). § 87(2)(b) recorded video footage on his cellphone at Navy Street and Park Avenue. § 87(2)(b) provided the footage to the CCRB, but the footage did not show the allegations because it was recorded after the allegations occurred. The footage was provided to the CCRB in five separate clips, and these clips can be found in IAs 19, 20, 28, 29, and 30.

### Mediation, Civil and Criminal Histories

This case was unsuitable for mediation due to § 87(2)(b) and § 87(2)(b)'s arrests. On August 8, 2016, a notice of claim request was submitted to the Comptroller's Office, and the result will be added to the case file upon its receipt at the agency. § 87(2)(b)

### Civilian and Officer CCRB Histories

This is the first CCRB complaint involving § 87(2)(b) and § 87(2)(b) (BR 10).

Sgt. Aliffi has been a member of the NYPD for 10 years and has been the subject of three prior complaints involving four allegations, none of which were substantiated. § 87(2)(g)

PO Martinez has been a member of the NYPD for four years and has been the subject of two prior CCRB complaints involving eight allegations. PO Martinez has one substantiated discourtesy allegation and two substantiated offensive language allegations from case 201402142. The board recommended Command Discipline B for these substantiations. The NYPD enforced Command Discipline B for PO Martinez's use of discourteous language, and the offensive language allegations are pending an NYPD disposition. § 87(2)(g)

PO Quallis has been a member of the NYPD for six years and has been the subject of three prior CCRB complaints involving five allegations, none of which were substantiated. § 87(2)(g)

### Potential Issues

§ 87(2)(b) and § 87(2)(b) were not interviewed because they were uncooperative with the investigation. Five calls were placed to § 87(2)(b) two letters were mailed to him; and he missed two scheduled interviews. § 87(2)(b) also missed two scheduled interviews.

### Findings and Recommendations

**Allegation A – Abuse of Authority: At Navy Street and Park Avenue in Brooklyn, Police Officer Jonathan Martinez stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation B – Abuse of Authority: At Navy Street and Park Avenue in Brooklyn, Sergeant Frank Aliffi stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation C – Abuse of Authority: At Navy Street and Park Avenue in Brooklyn, Police Officer Cameel Quallis stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

It is undisputed that PO Martinez, Sgt. Aliffi, and PO Quallis stopped § 87(2)(b) and § 87(2)(b)'s vehicle at Navy Street and Park Avenue in Brooklyn.

According to § 87(2)(b) § 87(2)(b) drove the car; § 87(2)(b) sat in the front passenger's seat; and § 87(2)(b) sat in the back passenger's seat behind § 87(2)(b). The car was a rental car rented by § 87(2)(b) and § 87(2)(b) did not have a rental agreement on his person at the time of the incident. § 87(2)(b) stated that the officers did not have any reason to stop the car (BR 01).

According to the officers, they observed the civilians driving in front of them on Park Avenue while inside their unmarked police vehicle (BR 02-04). PO Martinez and Sgt. Aliffi observed § 87(2)(b)'s vehicle change lanes without signaling, and they decided to stop the car for that infraction. PO Martinez also observed that one of the car's taillights was broken, and he also intended to stop the car for that infraction. PO Quallis stated that the car's windows were heavily tinted and that the officers stopped the vehicle for that reason. PO Martinez ultimately arrested § 87(2)(b) and § 87(2)(b) and he stated that the officers did not issue summonses for the traffic infractions because the arrests superseded those violations. The civilians' arrest reports did not note the reason for the initial vehicle stop.

§ 87(2)(g)

**Allegation D – Abuse of Authority: At Navy Street and Park Avenue in Brooklyn, Sergeant Frank Aliffi frisked § 87(2)(b)**

**Allegation E – Abuse of Authority: At Navy Street and Park Avenue in Brooklyn, Police Officer Jonathan Martinez frisked § 87(2)(b)**

**Allegation F – Abuse of Authority: At Navy Street and Park Avenue in Brooklyn, Police Officer Jonathan Martinez searched § 87(2)(b)**

**Allegation G – Abuse of Authority: At Navy Street and Park Avenue in Brooklyn, Sergeant Frank Aliffi searched § 87(2)(b)**

**Allegation H – Discourtesy: At Navy Street and Park Avenue in Brooklyn, Sergeant Frank Aliffi spoke discourteously to § 87(2)(b)**

**Allegation I – Force: At Navy Street and Park Avenue in Brooklyn, Sergeant Frank Aliffi used physical force against § 87(2)(b)**

**Allegation J – Abuse of Authority: At Navy Street and Park Avenue in Brooklyn, Sergeant Frank Aliffi frisked § 87(2)(b)**

**Allegation K – Abuse of Authority: At Navy Street and Park Avenue in Brooklyn, Sergeant Frank Aliffi searched § 87(2)(b)**

According to § 87(2)(b) the officers asked for § 87(2)(b)'s license and registration upon approaching the car. Before § 87(2)(b) could comply with the officers' command, PO Martinez allegedly opened § 87(2)(b)'s door and instructed him to exit the vehicle. § 87(2)(b) did so, and PO Martinez and Sgt. Aliffi then allegedly frisked and searched him. § 87(2)(b) protested the officers' actions. Sgt. Aliffi allegedly said, "Shut the fuck up" and instructed § 87(2)(b) to step out of the vehicle. § 87(2)(b) stated that he refused to exit from the car at which time Sgt. Aliffi allegedly opened his car door, grabbed § 87(2)(b)'s arm, and pulled § 87(2)(b) out of the car. Sgt. Aliffi then allegedly frisked and searched § 87(2)(b). During the frisk and search, § 87(2)(b) said, "Fuck you. You're violating my rights." Sgt. Aliffi allegedly said, "Shut the fuck up. You don't know what the fuck you're talking about." § 87(2)(b) stated that none of the officers asked to see a rental agreement for the car.

According to the officers, PO Martinez primarily interacted with the civilians on the driver's side of the car while Sgt. Aliffi and PO Quallis stood on the passenger's side of the vehicle. PO Martinez asked for § 87(2)(b)'s license and registration, and § 87(2)(b) refused to provide these items to him. § 87(2)(b) complained about the officers' behavior with a raised voice while using profanity. § 87(2)(b) told PO Martinez that he rented the car and that he did not have a rental agreement for the car. Due to the civilians' uncooperative behavior, the officers told them to exit the vehicle. All of the officers stated that § 87(2)(b) refused to exit the vehicle at which time Sgt. Aliffi called for backup. § 87(2)(b) and § 87(2)(b) were placed under arrest for unauthorized use of a vehicle shortly after being removed from the car.

PO Martinez did not recall whether he or any other officer frisked or searched § 87(2)(b) or § 87(2)(b). Sgt. Aliffi stated that an officer frisked and searched § 87(2)(b) and § 87(2)(b) incident to their arrests, but he did not recall which officer did so. PO Quallis stated that she frisked § 87(2)(b) immediately after he exited from the car because he was under arrest. PO Quallis denied that she searched § 87(2)(b). § 87(2)(b) did not allege that PO Quallis frisked him. PO Quallis did not see whether any officer frisked or searched § 87(2)(b). Sgt. Aliffi and PO Quallis denied § 87(2)(b)'s discourtesy allegations, and PO Martinez did not recall hearing any officer make the alleged discourteous comments.

PO Martinez did not see any officer forcibly remove § 87(2)(b) from the car, and Sgt. Aliffi did not recall whether he or any other officer did so. PO Quallis stated that she opened the car door and held § 87(2)(b)'s arm as he exited of his own accord, but PO Quallis denied that § 87(2)(b) was forcibly removed from the car. § 87(2)(b) did not allege that PO Quallis removed him from the car.

§ 87(2)(g)

**Allegation L – Force: At Navy Street and Park Avenue in Brooklyn, Police Officer Clark Taylor used physical force against § 87(2)(b)**

**Allegation M – Force: At Navy Street and Park Avenue in Brooklyn, Police Officer Javier Colon used physical force against § 87(2)(b)**

**Allegation N – Force: At Navy Street and Park Avenue in Brooklyn, Police Officer Clark Taylor used a chokehold against § 87(2)(b)**

After the civilians were arrested, PO Taylor, PO Colon, PO Culkin, and possibly additional unidentified uniformed police officers arrived on the scene in response to Sgt. Aliffi's call for backup. According to § 87(2)(b), PO Taylor and PO Colon attempted to place § 87(2)(b) in their police vehicle to transport him to the stationhouse, and § 87(2)(b) refused to go into the car. § 87(2)(b) alleged that PO Taylor pushed him by the front of his shoulders while PO Colon entered the police car, grabbed § 87(2)(b)'s handcuffs and waist, and pulled § 87(2)(b).

§ 87(2)(b) into the car. § 87(2)(b) also alleged that PO Taylor grabbed the front of his throat and squeezed his throat. § 87(2)(b)'s breathing was not restricted as a result of this action.

Neither PO Taylor nor PO Colon recalled whether § 87(2)(b) resisted them, and neither officer recalled whether he pushed or pulled § 87(2)(b) into the police car. PO Taylor denied making contact with § 87(2)(b)'s neck, and PO Taylor denied placing § 87(2)(b) in a chokehold. PO Colon also denied that PO Taylor placed § 87(2)(b) in a chokehold. No other officer saw or was in a position to see any incident as alleged by § 87(2)(b) (BR 05-07).

§ 87(2)(g)

**Allegation O – Discourtesy: Inside the 88<sup>th</sup> Precinct stationhouse, Sergeant Frank Aliffi spoke discourteously to § 87(2)(b)**

**Allegation P – Offensive Language: Inside the 88<sup>th</sup> Precinct stationhouse, Sergeant Frank Aliffi made remarks to § 87(2)(b) based upon race.**

**Allegation Q – Discourtesy: Inside the 88<sup>th</sup> Precinct stationhouse, Police Officer Caeel Quallis spoke discourteously to § 87(2)(b)**

§ 87(2)(b) alleged that PO Martinez, Sgt. Aliffi, PO Quallis, and PO Gray entered the 88<sup>th</sup> Precinct cell area after he and § 87(2)(b) were placed in the cells, and § 87(2)(b) stated that he asked the officers why they arrested him. Sgt. Aliffi allegedly said, “Shut the fuck up. You’re not built for these streets, you little nigger.” § 87(2)(b) then said, “Suck my dick.” Two unidentified uniformed police officers allegedly entered the cell area at that time, and these officers along with PO Martinez; PO Quallis; and PO Gray pulled Sgt. Aliffi out of the cell area. PO Quallis then allegedly returned to the cell area at which time § 87(2)(b) said, “You’re dumb as fuck” to her. PO Quallis allegedly replied, “Shut the fuck up. You’re dumb as fuck,” and she then exited the cell area. There were no other prisoners in the cells.

Sgt. Aliffi and PO Quallis denied § 87(2)(b)'s allegations, and neither PO Gray nor PO Martinez heard any officer make the alleged comments or use profanity during the incident (BR 08).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

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Signature	Print	Date
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